

On motion the Senate adjourned to 10 o'clock A. M. to-morrow.

SENATE CHAMBER,
AUSTIN, TEXAS, March 18, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

Journal of yesterday read and adopted.

Senator Avinger presented a petition from the citizens of Spring Creek, Rose Hill and Hockley, protesting against the formation of a new county out of Harris county. Read and referred to the Committee on Counties and County Boundaries.

Senator Ball presented a petition from the citizens of Bosque, Hill, Hood and Johnson counties, asking the creation of a new county from parts of the above named, to be called Crockett. Read and referred to the Committee on Counties and County Boundaries.

Senator Dohoney presented a petition from the citizens of Fannin county, praying for the enactment of a liquor law similar to that of Ohio. Read and passed to the orders of the day.

Senator Sayers, chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills have examined the following bills, and find them correctly engrossed:

Senate bill No. 191, "An act making an appropriation for the *per diem* pay of the members, and the *per diem* pay of the officers and employés of the Thirteenth Legislature of the State of Texas."

Senate joint resolution No. 27, fixing the rate of compensation of two accountants employed by the joint committee of investigation of the Treasurer's and Comptroller's departments.

J. D. SAYERS, Chairman.

Senator Henry, chairman of Judiciary Committee No. 1, submitted the following reports:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Judiciary No. 1, to whom was referred House bill No. 53, entitled "An act relating

to appeals to Supreme Court from interlocutory judgments in the district courts," having had the same under consideration, instruct me to report it back with the recommendation that it do not pass.

JOHN L. HENRY, Chairman.

Hon. E. B. Pickett, President of the Senate :

SIR: Your Committee on Judiciary No. 1, to whom was referred House bill No. 29, "An act to provide for the registration of voters," having carefully considered the same, ask leave to report it back to the Senate and recommend its passage, with the accompanying amendments.

JOHN L. HENRY, Chairman.

Section four, line ten, amend by striking out the word "fifteen," and inserting the word "ten."

Section six, line one, by striking out the word, "fifth," and inserting the word "eight."

Section seven, line one, by inserting the word "third," before the word "day."

Section twelve, by adding the words "or rejected," at the end of the section.

Section thirteen, line twenty-three, by inserting the word "he," before the word "shall."

Same section, line twenty-six, by striking out the words "who may," and inserting the word "shall."

Same section, line thirty-two, by inserting the word "he" before the word "shall."

Same section, line forty-three, by striking out the word "do," and inserting the word "shall."

Same section, line forty-six, by striking out the word "who," after the word "clerk."

Same section, line forty-eight, by inserting the words "on conviction" after the word "and" and before the word "fined."

Section fourteen, line two, by striking out the word "members" and inserting the word "numbers."

Same section, line three, by striking out the word "suffrage" and inserting the word "organization."

Same section, line ten, by striking out the word "to."

Same section, line eleven, by striking out the words "with an order of the court."

The following communication was received from A. Bledsoe, Comptroller, which was read and referred to the Committee on Comptroller's Office :

OFFICE OF COMPTROLLER PUBLIC ACCOUNTS,
AUSTIN, TEXAS, March 17, 1873.

Hon. E. B. Pickett, President of the Senate:

SIR: The rolls for making out consolidated assessment of property, real and personal, throughout the State, together with the necessary forms, receipts, etc., etc., are in this office for the want of postage.

This will greatly delay the completion of the assessment and the beginning of the collection of the taxes for the year 1873.

I respectfully represent the imperative necessity for an immediate appropriation for this purpose, say one thousand dollars or so much thereof as may be necessary.

Very respectfully,

A. BLEDSOE, Comptroller.

Senator Finlay introduced a bill entitled "An act to incorporate Concrete College." Read first time and referred to the Committee on State Affairs.

Also a bill entitled "An act to regulate proceedings upon *mandamus* and *quo warranto*." Read first time and referred to Judiciary Committee No. 1.

Senator Shelley introduced a bill entitled "An act for the relief of the heirs of John H. Scaggs, deceased." Read first time and referred to the Committee on Private Land Claims.

On motion of Senator Sayers the rules were suspended to take up out of its order Senate bill No. 158, "An act amendatory of an act entitled an act incorporating the city of San Antonio, and other towns therein named, approved December 14, 1837, and also amendatory of an act entitled an act to amend an act incorporating the town of Bastrop, approved February 1, 1845." The bill was read second time and ordered engrossed; rules suspended, read third time and passed.

A message was received from the House informing the Senate that the House had passed House bill No. 267, "An act to amend Articles 412 and 418 of the Penal Code, as amended by act passed May 11, 1871."

The special order, viz., House bill No. 309, "An act to repeal the third, twenty-sixth and twenty-seventh sections, and to amend the first and eighth sections, of an act entitled an act to provide for the enrollment of the militia, the organization and discipline of the State guards, and for the public defense, approved June 24, 1870,

and to repeal the first section of an act to amend an act to provide for the enrollment of the militia, the organization and discipline of the State guards, and for the public defense, approved June 24, 1870, approved April 12, 1871," was taken up, read second time and passed to third reading; rules further suspended, read third time and passed.

On motion of Senator Baker the rule was suspended, and a bill making an appropriation to defray the expenses of the contested election between Charles Stewart and J. G. Tracy, sitting member from the Fourteenth Senatorial District, together with a report from the Committee on Privileges and Elections, recommending a substitute for the same, were taken up, and on motion of Senator Ruby, postponed until 12 o'clock, inst.

On motion of Senator Fountain the rule was suspended and House bill No. 314, "An act to enlarge the county of Medina," taken up, read first time and referred to Committee on Counties and County Boundaries.

On motion of Senator Henry, the rules were suspended and House bill No. 299, "An act to reincorporate the town of Liberty," was taken up and read three several times under a suspension of the rules, and passed.

On motion of Senator Dohoney, the rules were suspended and substitute for Senate bill No. 38, "An act to confer additional jurisdiction on presiding justices of the peace in each county in the State," was taken up and read.

Senator Sayers moved to amend by striking out the word "not" in line nine, section seven. Lost.

Senator Dillard moved to amend section two, line nine, by striking out "1000" and inserting "500."

Adopted.

On motion of Senator Sayers, the bill was postponed and made special order for 11 A. M. to-morrow.

On motion of Senator Finlay, the rules were suspended to take up out of its order House bill No. 314, "An act to enlarge the county of Medina," and by consent the bill was referred to the Committee on Counties and County Boundaries.

The following House bills were taken from the President's desk, read first time and referred to the committees indicated:

House bill No. 152, "An act authorizing the County

Court of Hays county to levy and collect a special tax." Judiciary Committee No. 1.

House bill No. 348, "An act to prohibit the sale of intoxicating liquors within certain limits of Jonesborough school, in Coryell county." Committee on Education.

House bill No. 250, "An act to authorize Thomas M. Cain and W. J. Agee to construct a toll bridge across the Sabine river." Committee on Roads, Bridges and Ferries.

House bill No. 274, "An act to amend an act entitled an act to reorganize the town of Bryan, in Brazos county, Texas, and incorporate said town as the city of Bryan." Committee on State Affairs.

House bill No. 249, "An act to change the names of certain persons herein named." Committee on Judiciary No. 2.

House bill No. 364, "An act to authorize the Police Court of Ellis county to levy and collect a special tax for the purpose of building a jail." Committee on Finance.

House bill No. 174, "An act to amend and supplemental to an act to provide for the incorporation of towns and cities, approved January 27, 1858." Committee on State Affairs.

Joint resolution No. 360, concerning the summoning of male witnesses before the several committees of the two houses of the Legislature. Judiciary Committee No. 2.

House bill No. 378, "An act to prohibit the sale of all intoxicating liquors within three miles of the Fairview Academy, in Williamson county." Committee on Education.

House bill No. 379, "An act to prohibit the sale of intoxicating liquors within three miles of Bluffton School, in Llano county." Committee on Education.

House bill No. 169, "An act to incorporate the town of Willis, in Montgomery county, Texas." Committee on State Affairs.

House bill No. 243, "An act granting a charter to O. M. Airheart to create, keep and run a ferry-boat at the Spring Crossing on Trinity river, in Henderson and Navarro counties." Committee on Roads, Bridges and Ferries.

House bill No. 200, "An act granting a charter to James A. Mitcham and H. L. Gilmore, to create, keep and run a ferry-boat at New Bazette Landing, on the

Trinity river, in Henderson county." Committee on Roads, Bridges and Ferries.

House bill No. 338, "An act to incorporate the town of Quitman, in Wood county." Committee on State Affairs.

House bill No. 336, "An act granting a charter to J. W. McCown, Jr., to keep and run a ferry-boat across Little River." Committee on Roads, Bridges and Ferries.

House bill No. 214, "An act to establish a ferry across Big Cypress." Committee on Roads, Bridges and Ferries.

House bill No. 347, "An act to incorporate Leon River Bridge Company." Committee on Roads, Bridges and Ferries.

House bill No. 425, "An act to establish a bridge across Choctaw Bayou, in Grayson county." Committee on Roads, Bridges and Ferries.

House bill No. 240, "An act to incorporate the Grayson County Agricultural and Mechanical Association." Committee on Agriculture.

House bill No. 330, "An act to prohibit the sale of intoxicating liquors within two miles of Valley Mills Academy, in Bosque county." Committee on Education.

House bill No. 329, "An act prohibiting the sale of intoxicating liquors within two miles of the academy in the town of Clifton, Bosque county." Committee on Education.

House bill No. 93, "An act to better provide for the protection of agricultural interests." Committee on Agriculture.

House bill No. 339, "An act to authorize the county of Dallas to issue bonds." Referred to Judiciary Committee No. 2.

House bill No. 376, "An act making an appropriation to pay the printing account of Richardson, Belo & Co. for the Comptroller's office." Referred to the Committee on Printing.

House bill No. 340, "An act to ascertain the amounts due the teachers of the public free schools of this State prior to the first day of March, 1873, and to provide for the payment of the same." Committee on Education.

House bill No. 270, "An act validating certain land titles in Ellis county." Judiciary Committee No. 1.

House bill No. 369, "An act for the relief of the heirs at law of Thomas A. Culton." Committee on Private Land Claims.

Senator Saylor moved a suspension of the rules to take up out of its order House bill No. 374, "An act amendatory of an act to reincorporate the city of Navasota."

Adopted.

The bill was then read second time.

Senator Saylor offered the following amendment, which was adopted: Amend section one, line three, by striking out the words "the fourth Monday of March" and inserting "the third Monday in April." The rules were further suspended, bill read third time and passed.

Senator Latimer, chairman of the Committee on Enrolled Bills submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: I have the honor to report that I did present on yesterday at 12 o'clock M. to His Excellency the Governor, for his approval and signature, Senate bill No. 131, "An act reimbursing Bastrop county, and appropriating the sum of two hundred and twenty-five dollars for that purpose."

H. R. LATIMER, Chairman.

Senator Ruby introduced a bill to amend the sixth section of "An act to give effect to the several provisions of the Constitution concerning taxes." Read first time and referred to the Committee on Finance.

Senator Ford introduced a bill to provide for the payment of the registered indebtedness of the several counties of this State. Read first time and referred to the Committee on Finance.

On motion of Senator Franks, the rule was suspended, and House bill No. 27, in relation to fences in certain counties in the State, was taken up and read second time.

The hour having arrived for the consideration of the special order, the same was postponed until the pending business was disposed of.

Senator Franks offered the following amendment: Section four, line two, after the word "of," insert "Wharton."

Senator Finlay offered the following as a substitute for the amendment: Amend by adding to section four "Victoria, De Witt, Jackson, Goliad, Washington, Colorado, Bastrop, Fayette, Travis and Red River."

Senator Dohoney offered the following as a substitute for the amendment and substitute: Amend section one, in line three, by striking out the words "Dallas county"

and inserting in lieu thereof the words "each and every organized county in this State," and strike out section four.

Senator Shelley in the chair.

The substitute by Senator Dohoney was adopted, and on motion of Senator Evans, the bill was recommitted to Judiciary Committee No. 1.

The special order was again resumed, viz., a bill making an appropriation to pay the expenses in contested elections.

Senator Sayers offered a substitute for the bill and substitute. Adopted.

Senator Sayers proposed to amend as follows: Add at the end of section one, "For the *per diem* and mileage of witnesses, and for expenses incurred in summoning the same in the investigation of the accounts and official conduct of the Superintendent of Public Instruction——." Adopted.

Senator Tracy proposed to amend by inserting, "And the sum of fifteen hundred dollars be appropriated to pay the lawyers' fees of the contestant and contestee."

On motion of Senator Latimer, the amendment was laid on the table.

Senator Franks offered the following proviso to section one: *Provided*, no pay shall be allowed to State policemen who, while as such witnesses, were drawing pay as such State policemen.

Adopted, and the bill ordered engrossed.

On motion of Senator Cole, the rule was suspended, bill read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Fountain, Franks, Gaines, Henry, Latimer, Rawson, Ruby, Sayers, Shelley, Swift, Tendick, Tracy and Word—21.

On motion of Senator Ruby, the rule was suspended, and House bill No. 427, "An act to authorize the Governor to settle with Williams & Guion, of New York, for their claim against the State," was taken up and read first time.

Senator Ruby moved to suspend the rule and place the bill upon its second reading.

Pending which motion, the Senate adjourned till 10 o'clock to-morrow.